

REMARKS

In view of the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,301,462 (Hronyetz) and also as rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,522,177 (Davis) in view of U.S. Patent No. 4,920,592 (Scott), claim 1 is amended herein to overcome Patent No. 5,301,462 by specifically identifying the screw crank member as being freely detachable from the Christmas tree stand, and also that it includes an enlarged abutment (40) adjacent the screw thread section (36), and that the screw thread section is insertable slidably through the opening (34) in the post (16), and further that the Christmas tree stand includes screw crank securing means on the base member for releasably securing the detached screw crank member to the base member for storage when not in use. The screw thread sections 32 of the reference Hronyetz that are insertable into the side of a tree trunk, are not freely detachable, nor is there any crank securing means on the base member for releasably securing the detached screw crank member to the base member for storage when not in use.

With regard to the rejection of claim 1 as being unpatentable over applicant's earlier patent No. 5,522,177 in view of the Patent No. 4,920,592 to Scott, the Examiner recognizes that applicant's earlier patent is silent on the combination therewith of screw crank securing means on the base member for releasably securing the screw crank member to the base

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member for storage. The secondary reference Scott is believed to be inappropriate since the subject matter of the patent obviously is foreign to the subject matter of the instant application; and it does not show or suggest applicant's claimed arrangement of screw crank securing means on the base member for securing the detached screw crank member to the base member for storage when not in use and affording stacking of multiple tree stands for storage and shipment. The combination disclosed by Scott serves the purpose of storing the lug wrench tool 210 on the side apron 10 of an automobile engine compartment, but it is obvious that there is no means or intention of providing a storage arrangement for the lug wrench that allows stacking of the assembly in multiples for storage and shipment. Regarding claim 2, also rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Scott, the Examiner refers to Scott reference '320 as a socket member when, in fact, it is identified by Scott as a sleeve (col. 11, lines 21-29) which functions to secure the rod 310 to the lug wrench arm 302. Thus, the sleeve does not function to removably receive freely therein a screw thread section of a screw crank member for storage and stacking, as recited in amended claim 1.

With regard to the rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Scott, claim 5 is amended herein to more specifically identify the outwardly projecting arcuate portion (46) as defining the anvil to be struck by a hammer to set the screw thread (36) into the side of a tree trunk. Applicant's earlier patent does not suggest

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use of a hammer to set the screw thread into the side of a tree trunk. Indeed, the only use of a hammer, as described in column 2, lines 51-54, is for tapping the depending bar portion 12b on the side opposite the wedge plate 28, to drive the wedge plate edgewise and radially into the tree to the Fig. 5 position. Applicant's description then continues (col. 2, lines 56-61)

"Thereupon, the screw portion 40 of the screw crank 42 is inserted in the bore 38 in the direction shown in Fig. 3 and then suitably operated to penetrate the tree and cinch the tree firmly up against the bar portion 12b at the abutment 44, as shown by the broken line tree position in Figs. 1 and 2."

Since the bend intermediate the ends of the crank has no anvil-defining portion in axial alignment with the screw thread 40, striking the portion that Fig. 42 is pointing towards is not in axial alignment with the screw thread 40 and hence would serve only to damage the crank. The outwardly projecting arcuate portion now recited in amended claim 5 insures accurate striking with a hammer at a point in axial alignment with the screw thread.

For the reasons discussed in detail hereinbefore it is respectfully submitted that amended claims 1, 2 and 5 now clearly distinguish patentably over the references applied and are in proper condition for passage to issue with provisionally allowed claims 3 and 4. In this regard, claim 6, added herein, recites the substance of claims 1, 2 and 3 as originally presented, and claim 7 recites the substance of claim 4 as dependent on claim 6. Claim 8 recites the substance of claim 5, but is dependent on claim 6.

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Favorable reconsideration and passage of this case to issue with claims 1-8 as herein presented, is solicited.

Respectfully submitted,

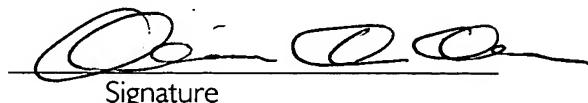
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